

\_\_\_\_ BILL NO. \_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PEACE OFFICER, AN ELECTED GOVERNMENT OFFICIAL, OR AN APPOINTEE OF AN ELECTED GOVERNMENT OFFICIAL ENGAGING IN MISCONDUCT IN THE COURSE AND SCOPE OF DUTIES DOES NOT HAVE A REASONABLE EXPECTATION OF PRIVACY WITH RESPECT TO THE DISSEMINATION OF CONFIDENTIAL CRIMINAL JUSTICE INFORMATION RELATING TO THAT INDIVIDUAL; AND AMENDING SECTION 44-5-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 44-5-303, MCA, is amended to read:

**"44-5-303. Dissemination of confidential criminal justice information.** (1) (a) Except as provided in subsections (2) through (4), dissemination of confidential criminal justice information is restricted to criminal justice agencies, to those authorized by law to receive it, and to those authorized to receive it by a district court upon a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure.

(b) A peace officer, an elected government official, or an appointee of an elected government official engaging in misconduct in the course and scope of duties does not have a reasonable expectation of privacy with respect to the dissemination of confidential criminal justice information relating to that individual.

(2) If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor.

(3) Unless otherwise ordered by a court, a person or criminal justice agency that accepts confidential criminal justice information assumes equal responsibility for the security of the information with the originating agency. Whenever confidential criminal justice information is disseminated, it must be designated as confidential.

(4) The county attorney or the county attorney's designee is authorized to receive confidential criminal justice information for the purpose of cooperating with local fetal, infant, and child mortality review teams. The

1 county attorney or the county attorney's designee may, in that person's discretion, disclose information  
2 determined necessary to the goals of the review team. The review team and the county attorney or the designee  
3 shall maintain the confidentiality of the information."

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